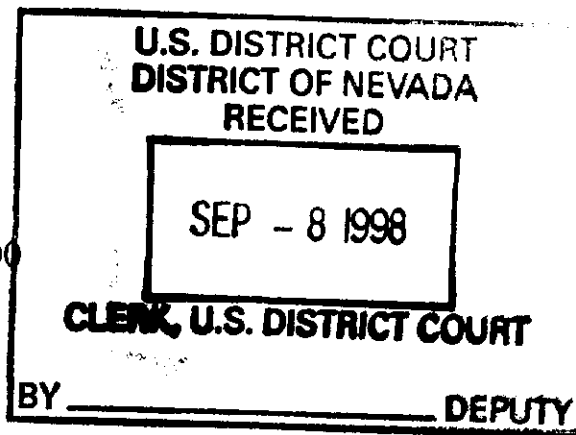


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WALKER RIVER IRRIGATION DISTRICT



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,
Plaintiff,
WALKER RIVER PAIUTE TRIBE,
Plaintiff-Intervenor,
v.
WALKER RIVER IRRIGATION DISTRICT,
a corporation, et al.,
Defendants.

In Equity No. C-125-ECR
Subfile C-125-B

**STIPULATION AND ORDER
FOR EXTENSION OF TIME
TO FILE RESPONSES TO
UNITED STATES' AND
WALKER RIVER PAIUTE
TRIBE'S JOINT MOTION
REGARDING FIRST AMENDED
COUNTERCLAIMS (FIRST
EXTENSION) AND TO
COMPLETE SERVICE OF
PROCESS (THIRTEENTH
EXTENSION)**

WALKER RIVER PAIUTE TRIBE,
Counterclaimant,
UNITED STATES OF AMERICA,
Counterclaimant,
v.
WALKER RIVER IRRIGATION DISTRICT
Counterdefendant,
STATE OF NEVADA,
Counterdefendant-Intervenor.

FILED
30 SEP - 9 11:12
LANCE S. WILSON
CLERK
BY _____
DEPUTY

1 The undersigned parties, by and through their respective legal counsel, hereby stipulate and
 2 request that the Court enter an order extending the time to file responses to the *United States' and*
 3 *Walker River Paiute Tribe's Joint Motion for Leave to Serve First Amended Counterclaims, To Join*
 4 *Groundwater Users, To Approve Forms for Notice and Waiver, and To Approve Procedure for*
 5 *Service of Pleadings Once Parties are Joined* (the "Joint Motion"), and extending the time to
 6 complete the joinder of parties and service of process in this matter, as set forth below.

7 1. There have been no previous requests for an extension of time to file responses to the
 8 Joint Motion.

9 2. There have been twelve previous requests for an extension of time to join additional
 10 parties and complete service of process. The Court granted the first extension by Order dated
 11 February 23, 1993 (Document 19). Based on stipulations of the parties, additional extensions were
 12 granted by Orders dated:

13	June 14, 1993	(Document 20)
	November 15, 1993	(Document 21)
14	May 23, 1994	(Document 25)
	November 17, 1994	(Document 36)
15	March 21, 1995	(Document 48)
	September 25, 1995	(Document 49)
16	March 25, 1996	(Document 52)
	October 23, 1996	(Document 54)
17	March 19, 1997	(Document 55)
	September 16, 1997	(Document 60)
18	March 19, 1998	(Document 61)

19
 20 Under the most recent extension of time, the United States and Walker River Paiute Tribe (the
 21 "Tribe") have to and including September 21, 1998 to complete the joinder of parties and service of
 22 process in this matter.

23 3. The Tribe filed its original counterclaim in this matter on March 18, 1992. The
 24 Tribe's original counterclaim seeks the recognition of a right to store water in Weber Reservoir for
 25 use on the Walker River Indian Reservation and for a federal reserved water right for lands restored
 26 to the Reservation in 1936. These claims are in addition to the direct flow rights awarded to the
 27 United States for the benefit of the Tribe in the *Walker River Decree*. On July 22, 1992, the United
 28 States moved for leave to file its original counterclaim, which asserts similar claims to

1 water for the benefit of the Walker River Indian Reservation.

2 4. By Order dated October 22, 1992, the Court directed the Tribe and United States to
3 serve their original counterclaims on all claimants to the waters of the Walker River and its
4 tributaries pursuant to Rule 4 of the Federal Rules of Civil Procedure.

5 5. On or about July 30, 1997, the Tribe filed its *First Amended Counterclaim of the*
6 *Walker River Paiute Tribe* ("Tribe's First Amended Counterclaim"). In addition to surface water
7 claims as set forth in its original counterclaim, the Tribe's First Amended Counterclaim includes
8 groundwater claims for the Reservation.

9 6. On or about July 30, 1997, the United States filed its *First Amended Counterclaim*
10 *of the United States of America* ("United States' First Amended Counterclaim"). In addition to the
11 surface water claims set forth in its original counterclaim, the United States' First Amended
12 Counterclaim includes several specific claims to surface water and groundwater in the Walker River
13 Basin. Theses claims for other federal enclaves in the Walker River Basin include claims for the
14 Hawthorne Army Ammunition Plant, the Toiyabe National Forest, the Mountain Warfare Training
15 Center of the United States Marine Corps and the Bureau of Land Management. The United States'
16 First Amended Counterclaim also advances claims for surface and groundwater for the Walker River
17 Indian Reservation, the Yerington Reservation, the Bridgeport Paiute Indian Colony and several
18 individual allotments.

19 7. On or about August 19, 1998, the Tribe and United States filed the Joint Motion. The
20 Joint Motion moves the Court for an order:

- 21 1) granting leave to serve the *First Amended Counterclaim of the*
22 *United States of America* (July 30, 1997) ("United States'
23 First Amended Counterclaim"), and the *First Amended*
24 *Counterclaim of the Walker River Paiute Tribe* ("Tribe's First
25 Amended Counterclaim") (July 30, 1997) upon surface water
26 and groundwater claimants in the Walker River basin;
27 2) to establish a procedure for service of pleadings upon joined
28 parties; and
3) to approve forms for purposes of notice and waiver.

///
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1 The Joint Motion also contains a proposed *Notice of Lawsuit and Request for Waiver of Summons*
2 *and Waiver of Service of Summons* for consideration by the Court and the parties.

3 8. The Joint Motion involves a number of complex and important issues for the parties
4 and, ultimately, the Court to address. The parties require additional time to respond to the issues
5 raised in the Joint Motion.

6 9. The issues raised by the Joint Motion should be decided before the Tribe and United
7 States begin their efforts to serve the United States' and Tribe's First Amended Counterclaims and
8 related documents.

9 NOW, THEREFORE, based upon the foregoing and subject to the approval of the Court, the
10 parties hereto, acting through their respective counsel, hereby stipulate as follows:

11 1. All parties shall have to and including November 9, 1998, to file any response to the
12 Joint Motion. The Tribe and United States shall have to and including December 9, 1998, to file and
13 reply in support of the Joint Motion.

14 2. The Tribe and United States shall have a period of time equal to six months after the
15 Court enters an order addressing the issues in the Joint Motion in which to complete the joinder of
16 parties and service of process in this matter.

17 DATED this 8th day of September, 1998.

18 WOODBURN AND WEDGE

19 By: Gordon H. DePaoli
20 GORDON H. DePAOLI

21 Attorneys for WALKER RIVER
22 IRRIGATION DISTRICT

KATHRYN E. LANDRETH
United States Attorney

By: See facsimile signature attached
JOHN P. LANGE

Attorneys for UNITED STATES OF
AMERICA

1 DANIEL E. LUNDGREEN, Attorney
2 General of the State of California

3 By: See facsimile signature attached
4 MARY E. HACKENBRACHT

5 Attorneys for STATE WATER RESOURCES
6 CONTROL BOARD AND ITS INDIVIDUAL
7 MEMBERS

8 McCUTCHEN, DOYLE, BROWN &
9 ENERSON

10 By: See facsimile signature attached
11 DAVID E. MOSER

12 Attorneys for CALIFORNIA TROUT, INC.

13 FRANKIE SUE DEL PAPA, Attorney
14 General of the State of Nevada

15 By: See facsimile signature attached
16 MARTA ADAMS

17 IT IS SO ORDERED.

18 DATED this 9 day of Sept, 1998.

GREENE, MEYER & McELROY

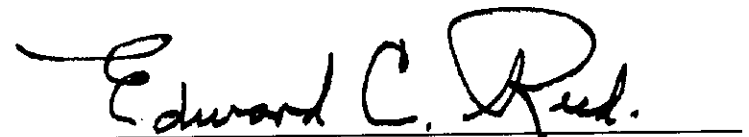
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By: See facsimile signature attached
LINDA A. BOWMAN

Attorneys for UNITED STATES BOARD
OF WATER COMMISSIONERS

19
20 
21 EDWARD C. REED, JR.
22 JUDGE, UNITED STATES DISTRICT
23 COURT
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17 DATED this 8th day of September, 1998.

18 WOODBURN AND WEDGE

19 By: _____

20 GORDON H. DePAOLI

21 Attorneys for WALKER RIVER
22 IRRIGATION DISTRICT

KATHRYN E. LANDRETH
United States Attorney

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9 By: DAVID E. MOSER

10 Attorneys for CALIFORNIA TROUT, INC.

11
12 FRANKIE SUE DEL PAPA, Attorney
13 General of the State of Nevada

14 By: MARTA ADAMS

15
16
17 IT IS SO ORDERED.

18 DATED this ____ day of ____, 1998.

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GREENE, MEYER & McELROY

By: SCOTT B. McELROY
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JUDGE, UNITED STATES DISTRICT
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Attorneys for UNITED STATES BOARD
OF WATER COMMISSIONERS

FRANKIE SUE DEL PAPA, Attorney
General of the State of Nevada

By: MARTA ADAMS

IT IS SO ORDERED.

DATED this ____ day of ____, 1998.

EDWARD C. REED, JR.
JUDGE, UNITED STATES DISTRICT
COURT

4

1 DANIEL E. LUNDGREEN, Attorney
2 General of the State of California

3 By: _____
4 MARY E. HACKENBRACHT

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11 DAVID E. MOSER

12 Attorneys for CALIFORNIA TROUT, INC.

13 FRANKIE SUE DEL PAPA, Attorney
14 General of the State of Nevada

15 By: _____
16 MARTA ADAMS

17 IT IS SO ORDERED.

18 DATED this ____ day of _____, 1998.

GREENE, MEYER & McELROY

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ALICE WALKER

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12 Attorneys for CALIFORNIA TROUT, INC.

13 FRANKIE SUE DEL PAPA, Attorney
14 General of the State of Nevada

15 By: _____
16 MARTA ADAMS

17 IT IS SO ORDERED.

18 DATED this _____ day of _____, 1998.

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GREENE, MEYER & McELROY

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JUDGE, UNITED STATES DISTRICT
COURT

CERTIFICATE OF SERVICE

I certify that I am an employee of Woodburn and Wedge and that on this date, I deposited in the United States Mail, postage prepaid, a true and correct copy of the foregoing **Stipulation and Order for Extension of Time To File Responses to United States' and Walker River Paiute Tribe's Joint Motion Regarding First Amended Counterclaims (*First Extension*) and To Complete Service of Process (*Thirteenth Extension*)** in an envelope addressed to:

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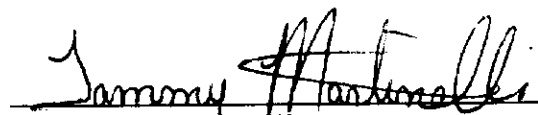
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DATED this 8th day of September, 1998.


Tammy Martignelli